

### **Remarks**

After entry of the present Amendment, claims 1-13 are pending in the present application. Claims 1-11 are currently amended. Claims 12 and 13 are currently added as new claims. Support for new claims 12 and 13 is found throughout the application and no new matter is being introduced.

The Specification is objected for lack of section headings. Claims 1-6 and 9-11 stand rejected under 35 U.S.C. §112, second paragraph. Claims 7 and 8 are objected to under 37 C.F.R. §1.75(c) as being in improper form because multiple dependent claims 7 and 8 are dependent upon multiple dependent claim 4. Claims 9 and 10 stand rejected under 35 U.S.C. §102(b) as being anticipated by WO 01/06876 to Matsumoto et al. (hereinafter Matsumoto et al.) or, in the alternative, under 35 U.S.C. §103(a) as obvious over Matsumoto et al.

### **Objection to the Specification**

The Specification is currently amended to add section headings. The Applicants respectfully assert that these amendments overcome the objection to the specification.

### **35 U.S.C. §112, second paragraph**

Claim 1 stands rejected under §112, second paragraph based on lack of antecedent basis for “the thickness” and “the wall.” Claim 1 is currently amended to establish antecedent basis for these elements and the Applicants respectfully assert that these amendments overcome the rejection of claim 1.

Claim 5 stands rejected under §112, second paragraph based on lack of antecedent basis for “the thickness,” “the wall,” and “the abovementioned elevator side.” Claim 5 is currently amended to establish proper antecedent basis for “the thickness” and “the wall,” and “the abovementioned elevator side” is currently deleted. The Applicants respectfully assert that these amendments overcome the rejections of claim 5.

Claim 9 stands rejected under §112, second paragraph based on lack of antecedent

basis for “the wall” and “said case.” Claim 9 is currently amended to establish proper antecedent basis for “the wall.” Claim 9 is also currently amended to clarify that “said case” is the “synthetic polymer case.” The Applicants respectfully assert that these amendments overcome the rejections of claim 9.

Claim 10 stands rejected under §112, second paragraph based on lack of antecedent basis for “the abovementioned case” and “the abovementioned antibacterial agent.” Claim 10 is currently amended to replace “the abovementioned case” with “synthetic polymer case.” In addition, “the abovementioned” preceding “antibacterial agent” is currently deleted. The Applicants respectfully assert that these amendments overcome the rejections of claim 10.

Claim 11 stands rejected under §112, second paragraph based on lack of antecedent basis for “the abovementioned case” and “the assembly.” Claim 11 is currently amended to replace “the abovementioned case” with “synthetic polymer case.” In addition, “the assembly” is currently replaced with “assembly.” The Applicants respectfully assert that these amendments overcome the rejections of claim 11.

### **37 C.F.R. §1.75(c)**

Claims 7 and 8 are currently amended to correct dependency. The Applicants respectfully assert that these amendments overcome the objection under 37 C.F.R. §1.75(c).

### **Rejection of Claim 9 under §§102(b) and 103(a)**

Independent claim 9 is currently amended to include that “the thickness of the wall of said synthetic polymer case is formed thinner than another wall opposing said wall *allowing gas permeation of the antibacterial agent.*” (emphasis added). The Applicants respectfully assert that Matsushita et al. fails to teach, disclose, or even suggest this claimed element. Specifically, the Examiner states with respect to Matsushita et al. that “the thickness of one wall (22) of the case is formed thinner than the wall (13) opposing the wall (22).” However, the “one wall (22)” of Matsushita et al. does not allow “gas permeation of the antibacterial

agent,” as claimed in amended independent claim 9. Because Matsushita et al. fails to teach, disclose, or even suggest this claimed element, the Applicants respectfully assert that independent claim 9, as amended, is novel and non-obvious over Matsushita et al.

### **Independent claims 1 and 5**

Since independent claims 1 and 5 were only rejected under §112, second paragraph, the Applicants respectfully assert independent claims 1 and 5, as amended to overcome the rejections under §112, second paragraph, are in condition for allowance.

In view of the foregoing, it is respectfully submitted that independent claims 1, 5, and 9 and the claims that depend therefrom, are in condition for allowance, which allowance is respectfully requested. Although no fees are believed to be due at this time, the Commissioner is authorized to charge our Deposit Account No. 08-2789 in the name of Howard & Howard Attorneys PLLC for any fees or credit the account for any overpayment for this matter.

Respectfully submitted,

**HOWARD & HOWARD ATTORNEYS PLLC**

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